

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt  
Clerk

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Filed: December 18, 2012

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Re: Case No. 11-1828, *Dye, et al v. Office of the Racing Comm'n, et al*  
Originating Case No. : 2:09-cv-13048

Dear Counsel,

The court today announced its decision in the above-styled case.

Enclosed is a copy of the court's opinion together with the judgment which has been entered in conformity with Rule 36, Federal Rules of Appellate Procedure.

Yours very truly,

Deborah S. Hunt, Clerk

Cathryn Lovely  
Deputy Clerk

cc: Mr. David J. Weaver

Enclosures

Mandate to issue.

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 11-1828

JEFF DYE, TAMMIE ERSKINE, PATRICK  
HALL, and ERIC PERTTUNEN,  
Plaintiffs - Appellants,

**FILED**  
**Dec 18, 2012**  
DEBORAH S. HUNT, Clerk

v.

OFFICE OF THE RACING COMMISSION;  
CHRISTINE WHITE, individually and in her  
official capacity as Racing Commissioner; and  
GARY POST, individually and in his official  
capacity as Deputy Commissioner,  
Defendants - Appellees.

Before: MERRITT, MOORE, and McKEAGUE, Circuit Judges.

**JUDGMENT**

On Appeal from the United States District Court  
for the Eastern District of Michigan at Detroit.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the district court's judgment on Dye's protected-speech and political-affiliation claims, and on each steward's political-affiliation retaliation claims based on the loss of the banked-time system is REVERSED. IT IS FURTHER ORDERED that the judgment on Erskine, Hall, and Perttunen's protected-speech retaliation claims and on each of the stewards' remaining political-affiliation claims is AFFIRMED.

**ENTERED BY ORDER OF THE COURT**



Deborah S. Hunt, Clerk